Supreme Court, U.S.
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IN THE

SUPREME COURT OF THE UNITED STATES

RONNIE MICKENS

Petitioners

v.

POLK COUNTY SCHOOL BOARD,
GLENN RENOLDS
et al.,

Respondents

Petition for a Writ of Certiorari to the
United States Court of Appeals
Eleventh Circuit

PETITION FOR WRIT OF CERTIORARI

PRO SE
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QUESTIONS PRESENTED FOR REVIEW

1. Whether the Eleventh Circuit Court of Appeals has entered decisions in this case that conflict with it's previous decisions, the decisions of all other United States Courts of Appeals and the Supreme Court on the same important matter, and has departed from the accepted and required course of judicial proceedings as to call for an exercise of the Supreme Court's supervisory power.

2. Whether Petitioner Mickens' success in the "unconstitutionally in-adequate, three years substantially delayed, post-deprivation/termination, malicious prosecution administrative hearing" remedied Petitioner's due process, equal protection, first amendment, Title VII race and retaliation discrimination, ADA perceived disability discrimination, ADA medical and psychological tests, Section 1985 (3) conspiracy, Section 1981 breach of contract, malicious prosecution claims and causes of action merit-less against the Respondents.

3. Whether the "unconstitutionally in-adequate, three years substantially delayed, post-termination/deprivation, malicious prosecution administrative hearing" satisfied the Due Process and Equal Protection Clause.

4. Whether the "unconstitutionally in-adequate, three years substantially delayed, post-deprivation, malicious prosecution administrative hearing" wasconducted at a meaningful time and provided a meaningful opportunity to prevent mistaken, un-justified and wrongful termination.

5. Whether Petitioner's pre-termination constitutional and civil rights claims and causes of action are relevant, material, related, connected, inter-related, inter-dependent, incorporated, joined, intertwined and inextricably tied together.

6. Whether the District Court and the Eleventh Circuit effectively deprived Petitioner of due process and equal protection of the laws when they dismissed Petitioners due process, equal protection, first amendment, Title VII race and

retaliation discrimination, ADA perceived disability disability, ADA medical and psychological tests discrimination and conspiracy claims and causes of action.

7. Whether the District Court and the Eleventh Circuit deprived Petitioner of due process, equal protection of the laws, a full, fair and impartial jury trial, a fair and impartial judge and adequate representation.

8. Whether the Eleventh Circuit Court of Appeals erred when it failed to review the District Court's post-final judgment entry of a judgment as a matter of law to overturn the jury's verdict, $300,000.00 award and the final judgment entered on Petitioner's ADA psychological examination claim.

LIST OF PARTIES' JUDGMENTS SOUGHT TO BE REVIEWED

The School Board of Polk County, Florida

Glenn Reynolds

Carolyn Baldwin

Eileen Killebrew

William Londeree

Dennis Dunn

Ron Rizer

Steve Selph

Donald Wilson

LIST OF PARENT OR PUBLICLY HELD COMPANY

The Polk County School Board, Polk County Florida

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PETITION FOR WRIT OF CERTIORARI

Ronnie Mickens respectfully and urgently petition for a writ of certiorari to review the judgments of the district court judge and the opinion of the Eleventh Circuit.

OPINIONS BELOW

The opinion of the Eleventh Circuit Court of Appeals has not been reported. (See Appendix)

JURISDICTIONAL STATEMENT

Jurisdiction is based on a United States Court of Appeals that has entered decisions in conflict with the decisions of all other United States Court of Appeals on the same important matter and has so far departed from the accepted and usual course of judicial proceedings and sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power. The dates of the orders that Petitioner is seeking to be review are August 1, 2001, May 1, 2002, May 9, 2002, May 17, 2002, July 23, 2002, August 14, 2002, **February 10, 2003**, July 25, 2003, November 14,

2003, June 23, 2004, October 14, 2005, October 27, 2005, April 5, 2006, September 14, 2006 and December 3, 2006.

STATUTORY PROVISIONS INVOLVED

This appeals concerns whether Petitioner Mickens has constitutional guaranteed rights to sue the Respondents in federal court for violations of constitutional and civil rights provided by Florida Statute, Chapters 231, and in accordance with Florida Statutes, Chapter 120 and 286. Florida Statutes, Section 231.36(6) provides for Petitioner's constitutional guaranteed pre-termination notice, hearing, and just cause due process procedures. Florida Statutes, Chapter 231, the Florida Constitution and the XIV Amendment Due Process and Equal Protection Clauses do not authorizes a post-termination administrative hearing nor a malicious prosecution post-deprivation administrative hearing.

STATEMENT OF THE CASE AND FACTS

The Polk County School Board had the authority to dismiss Petitioner Mickens pursuant to the notice, hearing and just

cause procedures set forth in Florida Statutes, Section 231.36 (6). The Polk County School Board failed to follow the required pre-termination notice, hearing and just cause due process procedures. Almost three years later, the Respondents caused a "unconstitutionally in-adequate, three years substantially delayed, post-termination/deprivation, malicious prosecution administrative hearing" to be conducted by an Administrative Law Judge (ALJ). The ALJ and the Polk County School Board found that there was no charging document was ever filed setting forth the particular provisions of the Code of Ethics of the Education Profession, Rule 6B-1.001, Florida Administrative Code, that Petitioner Mickens was alleged to have violated. There was no formal document enumerating the facts upon which Respondent Reynolds based his recommendation was ever provided to Petitioner Mickens or the Administrative Law Judge, even after Judge Cave directed the School Board to provide a statement of factual allegations at the motion hearing of

February 25, 1999. Respondent Polk County School Board found that "even if it had actually alleged a violation of the provisions so as to permit Petitioner Mickens fairly to contest the accusations and even if it credited every aspect of it's case there would be no basis for concluding that Petitioner Mickens engaged in any conduct that fairly could be characterized as "unethical". The School Board found that even assuming that it was not obliged to specify which portions of the Code of Ethic or Principles of Professional Conduct were violated by Petitioner Mickens, the facts do not establish misconduct in office by Petitioner Mickens while he was an assistant principal at Boone or McLaughlin. The School Board determined that it's actions were a perfunctory ratification of a decision made earlier by Respondent Reynolds in consultation with his subordinate and lawyer.

The Polk County School Board concluded that it had failed to establish by a preponderance of the evidence that Petitioner Mickens committed misconduct in office even

under the most generous view of the School Board's **vague legal non-existent factual allegation.** The Polk County School Board found that the **procedural derelictions of it's administrators in this case were manifold and egregious and that "an uninterrupted sequence of abuse [was] visited upon Petitioner Mickens by the administrators of the Polk County School Board..." and that "[g]iven Petitioners character and previously spotless record, it is not unreasonable to believe that he would be serving as an assistant principal, if not a principal, for the Polk County School Board.**

The District Court and the Eleventh Circuit Court of Appeal incorrectly decided that because of Petitioner's success in the "unconstitutionally in-adequate, three years substantially delayed, post-deprivation/termination, malicious prosecution administrative hearing" the hearing satisfied the XIV Amendment Due Process and Equal Protection Clauses. **The "unconstitutionally inadequate three years**

substantially delayed, post-deprivation/termination, malicious prosecution administr·tive hearing" findings of fact and conclusions of law confirmed, supported, and substantiated the Respondents violations of Petitioner's constitutional and civil rights.

ARGUMENT I

THE DISTRICT COURT AND THE ELEVENTH CIRCUIT COURT DECISIONS IN THIS CASE CONFLICT WITH THE DECISIONS OF THE UNITED STATES SUPREME COURT AND WITH THE AUTHORITES' DECISIONS OF EVERY OTHER DISTRICT AND UNITED STATES COURT OF APPEALS THAT HAS ADDRESSED THESE ISSUES.

On September 9, 1997, Respondent Polk County School Board arbitrarily, capriciously, discriminately and pre-textually terminated and stigmatized Petitioner based on a **vague legal non-existent factual allegation of misconduct in office.** The District Court and the Eleventh Circuit Court of Appeals fundamentally erred when they represented that the "unconstitutionally in-adequate, three years substantially delayed, post-deprivation/termination, malicious prosecution

administrative hearing" satisfied the Fourteenth Amendment Due Process and Equal Protection Clauses. Under color of law, the lower courts fundamentally erred by considering the "unconstitutionally in-adequate, three years substantially delayed, post-deprivation, malicious prosecution, administrative hearing" as a remedy to be used as a basis to dismiss Petitioner Mickens 42 U.S.C. Section 1983 substantive, procedural and stigmatization due process, equal protection, first amendment , malicious prosecution, Section 1981 breach of contract, Title VII race and retaliation discrimination, ADA perceived disability discrimination, ADA medical and psychological test discrimination, and Section 1985(3) conspiracy claims and causes of action. Under color of law, the lower courts misused the "unconstitutionally in-adequate, three years substantially delayed, post-deprivation/termination, malicious prosecution administrative hearing" as a pretext to extricate the Respondents from their violations of Petitioner's pre-

termination guaranteed constitutional and civil rights, to deprive Petitioner of being awarded substantial or full redess, to permanently deprive Petitioner of his livelihood, erroneously grant Respondents summary judgments and/or judgments as a matter of law, and to deprive petitioner of due process and equal protection of the laws.

The lower courts decisions conflicted with Florida Statutes, Chapter 231,the Polk County School Board Policies and Procedures 3.005 (II), Petitioner's Contract, the Code of Ethics and Principle of Professional Conduct for the Education Profession in Florida, the United States Supreme Court Precedent Cases Law, the Florida and United States Constitution. Petitioner Mickens contends that the unconstitutionally inadequate, substantially delayed post-termination, malicious prosecution administrative hearing provided the material evidence that confirmed, and substantiated that Respondents violated the relevant laws, policies and procedures. Clearly, Respondents decision to

terminate Petitioner was arbitrary, capricious, pre-textual, un-justified, wrongful and based on race.

The District Court and the Eleventh Circuit decisions conflict with the below Supreme Court, and with the authorities' decisions of every other District and United States Court of Appeals that has addressed these issues:

"When interests involving "liberty" and "property" rights protected by the Fourteenth Amendment are implicated, the right to some kind of prior hearing is paramount." "The due process clause provides that certain substantive rights—life, liberty and property – cannot be deprived except pursuant to constitutional adequate procedures." Cleveland Bd. Of Educ. v. Loudermill, 105 S. Ct. 1487 (1985); Board of Regents v. Roth, 92 S. Ct. 2701.

"The opportunity to present reasons why proposed action should not be taken is a fundamental due process requirement." Mullane v. Central Hanover Bank & Trust Co., 70 S. Ct. 652, 656, (1950).

"A state employee who under state law, or rules promulgated by state officials, has a legitimate claim of entitlement to continued employment absent sufficient cause for discharge may demand the procedural protection of due process." Gross v. Lopez, 95 S, Ct. 729.

"Once a court finds a due process violation in the denial of pre-termination notice, hearing and just cause the

district court need not and should not consider whether the post-termination procedures were adequate." Barry v. Barchi, 99 S. Ct. 2642, 2653-2654.

"The due process clause requires provisions of a hearing "at a meaningful time." E.G. Armstrong v. Mamzo, 85 S. Ct. 1187, 1191.

"The Supreme Court has described "the root requirement of the Due Process Clause as being "that an individual be given an opportunity for a hearing before he is deprived of any significant property and liberty interest." Boddie v. Connecticutt, 91 S. Ct. 780, (1971); Bell v. Burson, 91 S. Ct. 1586 (1971).

The Due Process Clause of the Fourteenth Amendment provides that no state "shall deprive any person of life, liberty or property, without due process of law." U.S. Const. Amend. XIV, Section 1. The Equal Protection Clause mandate that the government treat similarly situated individuals alike. U.S. Const. Amend. XIV Section I. Unlike Petitioner Mickens, the Respondents afforded notice, hearing and just cause before they disciplined or terminated Stephen Anderson, James P. Austin, Rita Berger, Patrick Coughlin, Richard Meeks, Stephen Osthoff, Steve J. Partain, Richard Pierson, James Sinclair, E. L. Snipes, Lisa Larrango, Jerry

Linder, Eillen Killebrew and other principal and assistant principal outside of Petitioner protected class. Unlike the above employees, the Respondents unlawfully supplied medical doctors and psychologists with fraudulent information regarding Petitioner purported behaviors, then without legal authority or a factual basis required Petitioner Mickens to take medical and psychological tests.

ARGUMENT II

THE LOWER COURTS ERRED WHEN THEY DETERMINED THAT BECAUSE OF PETITIONER'S SUCCESS IN THE "UNCONSTITUTIONALLY IN-ADEQUATE THREE YEARS SUBSTANTIALLY DELAYED, POST-DEPRIVATION/TERMINATION, MALICIOUS PROSECUTION ADMINISTRATIVE HEARING" REMEDIED OR RENDERED PETITIONER'S CONSTITUTIONAL AND CIVIL RIGHTS CLAIMS AND CAUSES OF ACTION AGAINST THE RESPONDENTS TO BE MERITLESS

Under color of law, the District Court and the Eleventh Circuit Court of Appeals fundamentally erred when they decided that Petitioner's Mickens success in the "unconstitutionally in-adequate, three years substantially

delayed, post-termination/deprivation, malicious prosecution administrative hearing" remedied or rendered merit-less, Petitioner's 42 U.S.C. Section 1983 substantive, procedural, stigmatization procedural due process, equal protection, first amendment/retaliation, Title VII race and retaliation discrimination, ADA perceived disability discrimination, ADA medical test and psychological test discrimination, malicious prosecution and Section 1985(3) conspiracy, Section 1981 breach of contract, malicious prosecution claims and causes of action. The Respondent Polk County School Board Final Order's findings of fact and conclusions of law are material, factual and lawful evidence that confirmed, supported, and substantiated all of Petitioner's above constitutional and civil right claims and causes of action. The Respondents maliciously prosecuted Petitioner and failed to justify their arbitrary, capricious, discriminatory and pre-textual decision for the termination of Petitioner.

The "unconstitutionally in-adequate, three years substantially delayed, post-deprivation/termination, malicious prosecution administrative hearing" confirmed Respondents violations of Petitioner's due process rights provided and protected by Florida Statutes, Sections 231.36(6) and U.S.C.A. Const. Amends. 5, 14. Florida Statutes, Chapter 231 does not require, authorize or provide for a post-termination administrative hearing nor a malicious prosecution hearing. Under color of law, the lower courts fundamentally erred by ruling that, "all the Due Process Clause required in this case" was a post-termination/deprivation, malicious prosecution administrative hearing." Under color of law, the lower courts erroneously granted the Respondents, the wrongdoers, Summary Judgments and/or Judgments As A Matter of law to benefit Respondents for their violations of F.S. Chapter 231, 286 and Petitioner's constitutional and civil rights to Petitioner's detriment. As relating to the due process clause provision that substantive rights of life, liberty and property

cannot be deprived except pursuant to constitutionally adequate procedures. U.S.C.A. Const. Amend. 5, 14.

ARGUMENT III

THE LOWER COURTS ERRED WHEN THEY DECIDED THAT THE "UNCONSTITUTIONALLY INADEQUATE, THREE YEARS SUBSTANTIALLY DELAYED, POST-DEPRIVATION/TERMINATION, MALICIOUS PROSECUTION ADMINISTRATIVE HEARING" SATISFIED THE DUE PROCESS AND THE EQUAL PROTECTION CLAUSES

The lower court's decision that "all the Due Process and Equal Protection Clause required was a "three years substantial delayed, post-termination administrative hearing" that lacked probable cause in this case is incorrect. The XIV Amendment's Due Process Clause provides that no state shall deprive any person of life, liberty, or property, without due process of law." U.S. Const. XIV, Section 1. Petitioner Mickens established Respondents violations of his pre-termination substantive, procedural and stigmatization due process rights, equal protection rights, first amendment rights, rights against malicious prosecution, race and

retaliation discrimination, perceived disability discrimination, breach of contract and conspiracy under 42 U.S. C. Section 1983, Section 1981 and Section 1985(3),Title VII, and the ADA. The Equal Protection Clause mandate that the government treat similarly situated individuals alike. U.S. Const., Amend, XIV, Section 1. Petitioner Mickens alleged that Respondents through state action motivated by race, treated Petitioner un-equal from similarly situated employees. For an example, Respondents afforded similarly situated assistant principal, principals and teachers outside of petitioners protected class pre-termination notice, hearing and just cause before they were disciplined or terminated pursuant to Florida Statutes, Section 231.36(6). Under color of law, the lower courts misused Petitioner's success in the "unconstitutionally in-adequate, three years substantially delayed, post-deprivation/termination, malicious prosecution administrative hearing" as a pretext to deprive Petitioner Mickens of due process, equal protection of the laws, a full,

fair and impartial jury trial, adequate representation, compensatory damages, punitive damages to deter future misconduct, damages for economic and non-economic losses, adequate back-pay, front-pay, attorney fees and cost, re-instatement as a assistant principal or principal, expunge-ment of stigmatizing letters from Petitioner's personnel file, clearing of Petitioner's good name and reputation in the community. In order to deprive petitioner of redress, the lower courts concluded that the "unconstitutionally in-adequate, three years substantially delayed, post-deprivation/termination, malicious prosecution administrative hearing" satisfied the Due Process and Equal Protection Clauses.

ARGUMENT IV

THE LOWER COURTS FUNDAMENTALLY ERRED WHEN THEY MISREPRESENTED THAT THE "UNCONSTITUTIONALLY IN-ADEQUATE, THREE YEARS SUBSTANTIALLY DELAYED, POST-DEPRIVATION/TERMINATION, MALICIOUS PROSECUTION ADMINISTRATIVE HEARING" WAS CONDUCTED AT A MEANINGFUL TIME AND

PROVIDED A MEANING OPPORTUNITY TO PREVENT WRONGFUL TERMINATION

"Procedural Due Process Rules are meant to protect persons not from the deprivation, but from the **mistaken or un-justified** deprivation of life, liberty, or property." **Arrington v. Helms,** 438 F. 3d 1336, 1347 (11th Cir. 2006) (quotation omitted). "The Supreme Court convincingly demonstrated that the employee's right to fair notice and an opportunity to present his side of the story before discharge is not a matter of legislative grace, but of constitutional guarantee,"**Cleveland Bd. Of Educ. v. Loudermill,** 105 S. Ct. 1487 (1985).

"[t]he substitution of a meager grant for a regular paycheck may bring with it painful and irremediable personal dislocations. A child education may be interrupted, a family home lost, a person's relationship with his friends and even his family may be irrevocably affected. The costs of being forced, even temporarily, unto the welfare rolls because of a wrongful discharge from tenured Government employment cannot be so easily discounted," id., at 221, 94 S. Ct., at 1677.

The Lower Courts expressed that "it was hard to perceive how a hearing at which Petitioner Mickens was so

successful could not be considered meaningful." In order for the administrative hearing to be considered meaningful in this case at bar pursuant to Section 231.36(6) F.S., the Due Process and Equal Protection Clauses, the hearing was required to be conducted before the deprivation of a liberty/reputation and property/job interests. In this case sub judice, a meaningful time and opportunity occurs prior to the termination/deprivations. Clearly, Respondents failed to followed the required pre-termination notice, hearing and just cause procedures and safeguards required by Florida Statutes, Section 231.36(6) to prevent Petitioner's mistaken, un-justified and wrongful termination and stigmatization. Under color of law, the lower courts fundamentally erred because they abused and misused their authority by using the "unconstitutionally in-adequate, three years substantially delayed, post-deprivation/termination, malicious prosecution administrative hearing" as a pretext to purport that Petitioner had received the equivalent of a meaningful pre-termination

name-clearing and property deprivation hearing that had remedied and granted substantial relief. The lower courts fundamentally erred by misusing Petitioner's success against him, that was obtained in the "unconstitutionally inadequate administrative hearing"to extricate the Respondents from their violations of Petitioner's constitutional guaranteed rights to pre-termination notice, hearing and just cause pursuant to F.S. Chapter 231.

All similarly situated employees outside of Petitioner's protected class in the School District that had been disciplined or terminated for cause was afforded a meaningful pre-termination notice, hearing and just cause due process pursuant to Florida Statute, Chapters 231, 120, 286 and the Due Process and Equal Protection Clauses..

ARGUMENT V

THE LOWER COURTS FUNDAMENTALLY ERRED WHEN THEY FAILED TO PERCEIVE OR APPREHEND THAT ALL OF PETITIONER'S CONSTITUTIONAL AND CIVIL RIGHTS CLAIMS AND CAUSES OF ACTION ARE RELEVANT,

MATERIAL, RELATED, CONNECTED, INTER-DEPENDENT, INTERTWINE AND INEXTRICABLLY TIED TOGETHER

The Respondents violated Petitioner Mickens constitutional guaranteed rights to pre-termination notice, hearing and just cause that was created and provide by Florida Statutes, Chapter 231, Petitioner Contract, the Code of Ethics and the Principles of Professional conduct for the Education Profession in the State of Florida . Petitioner's 42 U.S.C. Section 1983 substantive, procedural and stigmatization due process, equal protection, first amendment, malicious prosecution, Title VII race and retaliation discrimination, ADA perceived disability discrimination, ADA medical and psychological test discrimination, 42 U.S.C. Section 1981 breach of contract and Section 1985 (3) claims and causes of action are all related, connected, inter-related, inter-dependent, intertwined, incorporated and inextricably tied together by a common bond. Respondents violations of Petitioners constitutional guaranteed pre-termination notice,

hearing and just cause due process and equal protection rights which is supported by their Final Order's findings of fact and conclusions of laws are the material, essential, relevant, germane and pertinent factual and lawful evidence that bonded, connected, intertwined, related and inextricably tied together all of Petitioners constitutional and civil right claims and causes of action.. Under color of law, the lower court fundamentally erred when they dismissed and supplanted Petitioner's due process, equal protection, first amendment, conspiracy, Title VII and ADA claims and causes of action. The lower courts erroneously supplanted Petitioners entire complaint or causes of action by misrepresenting, mischaracterizing, misinterpreting and distorting the underlying findings of fact and conclusions of law.

ARGUMENT VI

UNDER COLOR OF LAW THE LOWER COURTS FUNDAMENTALLY ERRED WHEN THEY DISMISSED PETITIONER'S DUE PROCESS, EQUAL PROTECTION, FIRST AMENDMENT, TITLE VII RACE AND RETALIATION DISCRIMINATION, ADA

PERCEIVED DISABILITY DISCRIMINATION, ADA MEDICAL AND PSYCHOLOGICAL TESTS AND CONSPIRACY CLAIMS AND CAUSES OF ACTION

The District Court and the Eleventh Circuit under color of law effectively dismissed all of Petitioner's constitutional and civil rights claims and causes of action based on the assertion that the claims and causes of action were merit-less because Petitioner Mickens received a full, fair, and meaningful hearing in which Petitioner was successful. Under color of law, the lower courts incorrectly determined that the "unconstitutionally in-adequate, three years substantially delayed, post-termination, malicious prosecution administrative hearing" (that was not preceded by constitutional guaranteed pre-termination notice, hearing, and just cause due process) was a remedy, meaningful and satisfied the XIV Amend. Due Process and Equal Protection Clauses. Under color of law the lower courts fundamentally erred by misusing the "unconstitutionally in-adequate, three years substantially delayed, post-termination, malicious

prosecution administrative hearing" as a remedy or a cure to deprive Petitioner Mickens of his constitutional and civil rights claims and causes of action and redress in law and equity. Under color of law, the lower courts have misused the "unconstitutionally in-adequate, three years substantially delayed, post-deprivation/termination, malicious prosecution administrative hearing" to benefit the Respondents, the losing parties to Petitioner Mickens detriment, the prevailing party. Petitioner Mickens is continuously being deprived of his "life/livelihood," "property/job" and "liberty/reputation" interests, economic and non-economic losses, adequate back-pay, front-pay, compensatory and punitive damages, attorney fees and cost. Petitioner Mickens are being treated un-equally, differently, and disparately from similar situated employees outside of Petitioner's protected class who has been charged, disciplined or terminated.

ARGUMENT VII

UNDER COLOR OF LAW THE LOWER COURTS FUNDAMENTALLY ERRED BY DEPRIVING PETITIONER OF DUE PROCESS, EQUAL PROTECTION OF THE LAWS, A FULL, FAIR AND IMPARTIAL JURY TRIAL , A FAIR AND IMPARTIAL JUDGE AND ADEQUATE REPRESENTATION

The District Court and the Eleventh Circuit of Appeals fundamentally erred by failing to afford Petitioner Mickens due process, equal protection of the laws, a full, fair and impartial jury trial, a impartial judge and adequate representation as discussed in the above arguments. The lower court's decisions conflict with the due process principles such as standing, issue preclusion, res judicata, the law of the case, and stare decisis. Under color of law, the lower courts failed to consider F.S. Section 231.36(6) and to apply issue preclusion to the underlying findings of fact and conclusions of law. The lower courts erroneously denied Petitioner's Motion in Limine to obtain an order to preclude testimony or evidence at trial that refuted or collaterally attacked the Respondents Final Order's finding of facts and

conclusions of laws; erroneously determined that Petitioner's Motion in Limine was not a motion to seek issue preclusion but was a disguised motion for partial summary judgment; erroneously dismissed Respondent Reynolds and 42 U.S.C. Section 1985 (3) conspiracy claim and failed to grant leave to amend not even one time; erroneously precluded petitioner from using the Respondents Final Order's findings of fact and conclusions of law to support and substantiate constitutional and civil rights claims and to refute respondents and their witnesses conflicting testimony; failed to disqualify district judge after two motions to recuse and three 28 U.S.C. Section 372 © complaints for misconduct; erroneously precluded admissible, credible and relevant material evidence and witnesses, erroneously gave improper jury instructions; retaliated against petitioner for filing 28 U.S.C. 372© complaints by dismissing claims and causes of action and by overturning the jury verdict and $300,000.00 award in favor of petitioner's ADA psychological tests

discrimination claim; threatening to put petitioner in prison without just cause.

ARGUMENT VIII

THE ELEVENTH CIRCUIT COURT OF APPEALS FUNDAMENTALLY ERRED WHEN IT FAILED TO REVIEW THE DISTRICT COURT'S POST-FINAL JUDGMENT ENTRY OF A JUDGMENT AS A MATTER OF LAW OVERTURNING THE JURY'S VERDICT, $300,000.00 AWARD AND FINAL JUDGMENT ON PETITIONER'S ADA PSYCHOLOGICAL EXAMINATION CLAIM

The Eleventh Circuit Court of Appeal failed to review Petitioner's ADA psychological examination claim's appeal allegedly for Petitioner's failure to provide the Court with a complete record of the evidentiary proceedings. Petitioner Mickens did not provide the Eleventh Circuit Court of Appeals with a transcripts because Petitioner had informed the Eleventh Circuit in three separate previous 28 U.S.C. Section © Complaints of the District Court Judge's bias, prejudice, discrimination and his aim to deprive Petitioner of due process, equal protection of the laws, a fair and impartial

trial and adequate representation. The District Court erroneously dismissed Petitioner Mickens due process, equal protection and other constitutional and civil rights claims and causes of action. All of Petitioner Mickens causes of action are credible, relevant, factual and lawful material evidence that's related, intertwined, connected, and inextricably tied together with Petitioner's ADA psychological examinations cause of action. Petitioner Mickens appealed was based on the fact that the district court deprived petitioner of above claims and causes of action, a full, fair and impartial jury trial, judge and adequate representation. Petitioner Mickens contends that a complete transcript was made moot because the District Court dismissed Petitioner's due process, equal protection, first amendment, Title VII race and retaliation discrimination, ADA perceived disability discrimination and conspiracy causes of action. Petitioner Mickens' attorney represented and responded on behalf of Petitioner to Respondent Polk County School Board's post-final judgment

motion for a judgment as a matter of law to overturn the jury's verdict, the $300,000.00 award and the final judgment enter on Petitioner's psychological tests claim. Petitioner Mickens relied on his attorney to provide a complete or required transcripts in the record that supported the jury's verdict, the $300,000.00 award and final judgment for the District Court and the Eleventh Circuit Court of Appeals review. Petitioner Mickens contends that his attorney responses and the documentary evidence that his attorney entered in the record for the District Court's review was sufficient evidence for the Eleventh Circuit Court of Appeals to review on appeal. The record contains overwhelming competent documentary evidence that supported the jury's verdict i.e. the administrative hearing transcripts, the School Board's Final Order, pleadings, depositions, letter exhibits, the Magistrate's September 16, 2002 Report and Recommendation, jury instructions are documentary evidence that contain relevant, credible, material evidence in

the record that support the jury's verdict and the $300,000.00 award. The District Court failed to acknowledge or consider Petitioner Mickens deprivation of "property/job" and liberty/reputation interests without notice, hearing and just cause before and after termination.

WHEREFORE, Petitioner Ronnie Mickens respectfully request that this grant A Writ of Certiorari.

REASONS WHY THIS CASE IS IMPORTANT TO PETITIONER, TO OTHERS AND TO THE SOCIETY

This case is important to Petitioner Mickens, to others and to the society because it will prevent the lower courts from blatantly and malicious misusing and abusing their constitutional oath, the judicial process and their authority. The lower courts maliciously deprived petitioner, the victim of his constitutional rights to due process and equal protection of the laws to extricate Governmental Agencies and Private Corporations such as the Polk County School Board and Stewart Title Guaranty Company from their

crimes and torts to Petitioner's, other innocent victims and society's detriment.

CONCLUSION

There are genuine issues of material facts as to whether the Respondents were required to afford Petitioner Mickens, pre-termination notice, hearing and just cause pursuant to F. S., Section 231.36(6), his contract, and U.S.C.A. Const. Amends. 5, 14. Petitioner Mickens constitutional guaranteed rights to pre-termination notice, hearing and just cause are germane, relevant, pertinent and material to all of Petitioner's constitutional and civil rights claims and causes of action. The Equal Protection Clause mandate that the Polk County School Board treat similarly situated employees alike.

Respectfully Submitted,

Ronnie Mickens
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(863) 853-5991

APPENDICES

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Tampa Area Office

Charge Number 151980176

Ronnie Mickens
1837 Lady Bowers Trail
Lakeland, FL 33809 CHARGING PARTY

V.

Polk County School Board
Post Office Box 391
Bartow, FL 33831 RESPONDENT

DETERMINATION

Under the authority vested in me by the Commission's Procedural Regulations, I issue, on behalf of the Commission, the following determination as to the merits of the subject charge.

Respondent is an employer within the meaning of Title VII of the Civil Rights Act of 1964, as amended, and the American with Disabilities Act of 1990, as amended, and the timeliness,

deferral and all other jurisdictional requirements have been met.

The Charging Party alleged that he was required to submit to a medical examination in violation of the ADA and then he was suspended and discharged because of his race, Black and in retaliation for asserting rights protected by the statutes. Examination of the evidence indicates that the Charging Party was suspended, reassigned and later discharged from his Assistant Vice Principal Position because of his race, Black, and in retaliation for asserting rights protected by the American with Disabilities Act and the Civil Rights Act. I have determined that the evidence obtained during the investigation establishes that there is reasonable cause to believe that a violation of the statutes has occurred.

Upon finding that there is reason to believe that violations have occurred, the Commission attempts to eliminate the alleged unlawful practices by informal methods of

conciliation. Therefore, the Commission now invites the parties to join with it in reaching a just resolution of this matter. The confidentiality provisions of Section 706 and 709 of Title VII and Section 107 of the American with Disabilities Act and the Commission's Regulations apply to information obtained during conciliation.

If the Respondent declines to discuss settlement, or when, for any other reason, a Settlement acceptable to the Office Director is not obtained, the Director will inform the parties and advise them of the court enforcement alternatives available to aggrieved persons and the Commission. A Commission representative will contact each party in the near future to begin conciliation.

9-28-99
Date

Manuel Zurita, Area Director

FLORIDA DEPARTMENT OF LABOR AND
EMPOLYMENT SECURITY DIVISION OF
UNPLOYMENT COMPENSATION
P.O. Box 1688
Lakeland, Florida 33802-1688

SOCIAL SECURITY NO: 261-86-9714
CLAIM FILED EFFECTIVE: 03/08/98
CLAIM OFFICE NO: 3637
ISSUE CODE: 1 01 005000
DATE MAILED: 04/02/98
ADJ NAME: M A S

SECTION I. REASON FOR DETERMINATION

THE CLAIMANT WAS DISCHARGED DUE TO

ALLEGED MISCONDUCT. INFORMATION

SUBMITTED DOES NOT SUBSTANTIATE THIE

ALLEGATION.

SECTION II. DETERMINATION

IN ACCORDANCE WITH SECTION 443, FLORIDA

STATUTES:

BENEFITS ARE PAYABLE BECAUSE:

THE DISCHARGE WAS FOR REASON OTHER THAN

MISCONDUCT CONNECTED WITH THE WORK.

ANY BENEFITS RECEIVED FOR WHICH YOU WERE NOT ENTITLED ARE OVERPAYMENTS AND SUBJECT TO RECOVERY.

SECTION III. EMPLOYER CHARGEABILITY

THE UC FUND MUST BE REIMBURSED BY THE EMPLOYER SHOULD ANY BENEFITS BE PAID.

SECTION IV. APPEAL RIGHTS

THIS DETERMINATION WILL BECOME FINAL UNLESS YOU FILE A REQUEST FOR A HEARING WITHIN TWENTY CALENDAR DAYS FROM THE MAILING DATE OF THIS NOTICE. THIS REQUEST MAY BE FILED IN PERSON OR BY LETTER TO THE OFFICE WHERE THE CLAIM WAS FILED AND MUST EXPLAIN THE BASIS OF THE PROTEST. THE POSTMARK SHALL BE CONSIDERED THE DATE OF FILING BY MAIL.

IF UNEMPLOYED, YOU MUST CONTINUE

REPORTING TO THE DIVISION UNTIL ALL

REDETERMINATIONS/APPEALS ARE RESOLVED.

CLAIMANT/ AGENT ADDRESS

RONNIE MICKENS
1837 LADY BOWERS TRAIL
LAKELAND, FL 33809

EMPLOYER/ AGENT ADDRESS

POLK COUNTY SCHOOL BOARD
C/O GIBBENS CO
P.O. BOX 1630
WINTER PARK FL 32790-1630

IN THE UNITED STATES COURT OF APPEALS FOR

THE ELEVENTH CIRCUIT

No. 05-16579-DD

RON MICKENS,

Plaintiff-Appellant,

Versus

POLK COUNTY SCHOOL BOARD,
GLEN REYNOLDS, in his
Individual capacity,

Defendants-Appellees.

On Appeal from the United States District Court for the
Middle District of Florida

ON PETITION (S) FOR REHEARING AND PETITION (S) FOR REHEARING EN BANC

Before: BLACK, BARKETT and HULL, Circuit Judges.

PER CURIAM:

The Petition (s) for Rehearing are DENIED and no Judge in regular active service on the Court having requested that the Court be polled on rehearing en banc (Rule 35, Federal Rules of Appellate Procedure), the Petition (s) for rehearing En Banc are DENIED.

ENTERED FOR THE COURT:

_____

UNITED STATES CIRCUIT JUDGE

FILED
U.S. COURT OF APPEALS ELEVENTH CIRCUIT

NOV 03 2006

THOMAS K. KAHN
CLERK

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS FOR

THE ELEVENTH CIRCUIT

No. 05-16579
Non-Argument Calendar

D. C. Docket No. 00-01725-CV-T-23-TGW

RON MICKENS,

Plaintiff-Appellant,

Versus

POLK COUNTY SCHOOL BOARD,
GLEN REYNOLDS, in his
individual capacity,

Defendants-Appellees.

Appeal from the United States District Court
for the Middle District of Florida

(September 14, 2006)

Before BLACK, BARKETT and HULL, Circuit Judges.

PER CURIAM:

Ron Mickens, proceeding pro se, appeals the district court's final judgment in his suit against the Polk County School Board ("Polk County") and Glen Reynolds, alleging various claims of employment discrimination under Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. Sec. 2000e-2(a)(1) and 2000e-3(a), and the American with Disabilities Act ("ADA"), 42 U.S.C. Sec. 12111, and violations of his due process rights, brought pursuant to 42 U.S.C. Sec. 1983. On appeal, Mickens argues the following: (1) the district court erred in granting Reynold's unopposed motion to dismiss Mickens's conspiracy claim; (2) the district court abused its discretion in denying Mickens's motion for leave to amend his complaint; (3) the district court erred in denying Mickens's motion for recusal; (4) the district court erred in granting Polk County's motion for summary judgment as to Mickens's due process claims and ADA

perceived disability claim, and (5) the district court erred in denying Mickens's motion in limine as an untimely motion for summary judgment. After review, we conclude that Mickens's arguments lack merit.

Mickens also seeks to challenge the district court's entry of judgment as a matter of law against Mickens at to his ADA psychological examination claim and his First Amendment retaliation claim, as well as the jury's verdict in favor of Polk County as to Mickens's Title VII race discrimination and retaliation claims.

However, because Mickens failed to provide this Court with a complete record of the evidentiary proceedings, we are unable to review Mickens's claims on appeal implicating the sufficiency of the evidence. See Fed. R. App. P. 10(b)(2) (placing burden on appellant to ensure record on appeal contains all transcripts relevant to sufficiency of the evidence issues raised by appellant); Loren v. Sasser, 309

F.3d 1296, 1304 (11th Cir. 2002) (concluding that pro se appellant must also comply with Rule 10(b).[1]

AFFIRMED.

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[1] Polk County argues that we lack jurisdiction to review the district court's post-judgment order entering judgment as a matter of law against Mickens as to his ADA psychological examination claim because Mickens did not amend his notice of appeal to include this claim. We disagree. Within thirty days of the district court's entry of final judgment in favor of Polk County on this claim, Mickens filed a pro se brief with this Court indicating his intent to appeal that order which was sufficient to confer jurisdiction. See Finch v. City of Vernon, 845 F.2d 256, 258-59 (11th Cir. 1988) (concluding that court of appeals had jurisdiction to review the district court's order granting appellee's post-judgment motion when, within thirty days, appellants filed a pro se brief with this court clearly indicating their intent to appeal the order). However, as we have noted, we are nonetheless unable to review Mickens's claims with regard to this order because Mickens failed to provide complete transcripts.

FILED

U.S. COURT OF APPEALS ELEVENTH CIRCUIT

SEPT 14, 2006

THOMAS K. KAHN

CLERK

Case 8:00-cv-01725-SDM-TGW Document 252

Filed 10/28/2005

United States District Court
Middle District of Florida
Tampa Division

JUDGMENT IN A CIVIL CASE

RON MICKENS,

Plaintiff,

v. CASE NO. 8:00-cv-1725-T-23TGW

POLK COUNTY SCHOOL BOARD,

Defendants,

_____/

x **Jury Verdict**. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

The jury finds in favor of the defendant and against the plaintiff on the first claim under Title VII (discrimination) and the second claim under Title VII (retaliation).

The jury finds in favor of the plaintiff and against the defendant on the third claim (American With Disabilities Act). The jury awards the plaintiff $0 in economic loss. The jury awards the plaintiff $300,000.00 for emotional pain and

mental anguish on the third claim (American With Disabilities Act.).

SHERYL L. LOESCH, CLERK

October 28, 2005 By: _____
DEPUTY CLERK

Case 8:00-cv-01725-SDM-TGW Document 278

Filed 04/05/2006

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

RON MICKENS,

Plaintiff,

-v- **Case No. 8:00-cv-1725-T-23F**

POLK COUNTY SCHOOL BOARD and GLEN REYNOLDS,

Defendants.

JUDGEMENT IN A CIVIL CASE

IT IS ORDERED AND ADJUDGED that judgment is entered for the School Board and against Ron Mickens on Count III (the ADA claim).

Date: April 5, 2006

SHERYL L. LOESCH, CLERK

By: S/R. Moglia, Deputy Clerk

Copies furnished to:

Counsel of Record
Unrepresented Parties